

REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 18-20 have been amended. No claims have been canceled. No new claims have been added. Therefore, claims 1, 4-12, 15-20 and 22 are under active consideration.

Claims 18-20 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In support of the rejection, the Examiner commented,

Applicant has amended claims 18-20 to include the feature that the contact plate has a pivot point "along its length". The examiner was unable to find support for this feature in the specification. To overcome this rejection, the applicant can point out where the support occurs.

This rejection is respectfully traversed.

Applicant wishes to note to the Examiner claims 18-20 are being amended herewith. Specifically, the feature that the contact plate includes "a pivot point along its length" has been amended for clarification purposes only to read that the contact plate includes "a pivot point, said pivot point being located within said contact plate." In this manner, it is to be understood that the pivot point (i.e., point 129 in Fig. 6) for the contact plate is located within the contact plate itself and not outside the contact plate (i.e., by means of a separate pivoting shuttle arm which is coupled to the contact plate). Applicant respectfully contends that the subject matter relating to

this particular feature is sufficiently described in the specification (*see, e.g.*, page 20, lines 19-22 of the subject patent application) and drawings (*see, e.g.*, Figs. 6 and 7(a)-(e)).

For at least the foregoing reason, withdrawal of the rejection of claims 18-20 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the invention, at the time the application was filed, had possession of the claimed invention is respectfully urged.

Claims 18-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In support of the rejection, the Examiner commented,

Applicant has amended claims 18-20 to include the feature that the contact plate has a pivot point "along its length". It is unclear what the applicant is trying to claim here. Pivot point (129) is located at one end of the contact plate as seen in Fig. 6. There seems to be no way have the pivot point be "along its length". Clarification is required.

This rejection is respectfully traversed.

As noted above, claims 18-20 are being amended herewith. Specifically, the feature that the contact plate includes "a pivot point along its length" has been amended for clarification purposes only to read that the contact plate includes "a pivot point, said pivot point being located within said contact plate." In this manner, it is to be understood that the pivot point (i.e., point 129 in Fig. 6) for the contact plate is located within the contact plate itself (at a point, or location, along its length) and not outside the contact plate (i.e., by means of a separate pivoting shuttle arm which is coupled to the contact plate). Applicant respectfully contends that the subject matter

relating to this particular feature is sufficiently described in the specification (*see, e.g.*, page 20, lines 19-22 of the subject patent application) and drawings (*see, e.g.*, Figs. 6 and 7(a)-(e)).

For at least the foregoing reason, withdrawal of the rejection of claims 18-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully urged.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,188,696 to K.W. Good, Jr. (hereinafter Good). In support of the rejection, the Examiner commented,

Good, Jr. discloses a labeling machine with a decorating unit in the form of a contact plate (62) which urges the label into contact with the article. (See Figure 13; Col. 4, lines 1-12.) The object is supported on station (22) during transfer. The plate is adapted to pivot as the label is urged onto the article.

This rejection is respectfully traversed.

With respect to claim 18, as amended herewith, applicant claims an apparatus for applying the transfer label of a transfer label assembly onto an object, said apparatus comprising a decorating unit comprising, inter alia, a contact plate which includes a pivot point, said pivot point being located within said contact plate. To the contrary, the pressure pad (62) in Good does not include a pivot point which is located within the pressure pad (62). Rather, the pressure pad (62) in Good is fixedly supported (i.e., incapable of pivoting about a point located within the pressure pad) between plates (59 and 60). (*See* Figs. 7-11 and 13 and col. 4, lines 1-4 of Good). In fact, any movement of the pressure pad (62) in Good is accomplished by means of an independent shuttle arm (34) which is indirectly coupled to the pressure pad (62) through a pair of plates (59 and 60). As can be seen most clearly in Figs. 7-11 and 13 of Good, the pivot points (35 and 37)

for the shuttle arm (34) are clearly located outside of the pressure pad (62). As can be appreciated, providing a contact plate with a pivot point which is located within said contact plate allows for a significant increase in the period of label transfer contact without significantly increasing the mechanical complexity of the decorating unit, which is highly desirable.

Withdrawal of the rejection of claim 18 as being anticipated by Good is respectfully urged.

Claims 1, 12, 19, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good in view of U.S. Patent No. 3,709,755 to F.J. Wochner (hereinafter Wochner). In support of the rejection, the Examiner commented,

Good, Jr. discloses a labeling machine with a decorating unit in the form of a contact plate (62) which urges the label into contact with the article. (See Figure 13; Col.4, lines 1-12.) The object is supported on station (22) during transfer.

The platen in Good, Jr. is not heated.

Wochner discloses a labeling system where press platens (22, 28) are heated. (Col. 3, lines 42-65.) Also in Wochner is a preheater (19,24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Wochner, in the device of Good, Jr. specifically when using heat transferable labels. Artisans with knowledge of labeling realize that there are many types of labels which can be used in labeling containers, labels with pressure sensitive adhesive and heat sensitive adhesive, are two of the most widely used types. If an artisan decided to use the device in Good, Jr. with heat transfer labels, it is with the purview of the artisan to heat the transfer platen in Good, Jr. as taught by Wochner.

Regarding claims 12-14, in addition to the heated platens, Wochner discloses preheaters located before the pressure plates (22, 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the preheaters into Good, Jr. along with the press plate heaters. The combination of the two would ensure that the adhesive is heated sufficiently for label transfer.

Regarding claims 19 and 20, the platen in Good, Jr. is adapted to pivot.

This rejection is respectfully traversed.

With respect to claims 1 and 12, applicant claims a decorating unit for applying a label onto an object, the decorating unit comprising, inter alia, a heated contact plate which includes an elongated, flat contact surface, the heated contact plate being adapted to pivot during label transfer so that the elongated, flat contact surface of the heated contact plate continuously urges the heat-transfer label into contact with the object. As will be described further in detail below, taking Good in view of Wochner does not render applicant's claimed invention unpatentable.

Specifically, as noted by the Examiner on page 4 of the Office action dated March 17, 2003, the pressure pad (62) in Good is not heated. However, applicant respectfully disagrees with the Examiner's contention that modifying the device in Good in view of either of the labeling stations (20 and 25) disclosed in Wochner would render applicant's claimed invention obvious.

Wochner discloses labeling stations (20 and 25) that include rollers (21 and 27) which are carried by heated platens (22 and 28). It is the sole responsibility of the rollers (21 and 27) to press a label bearing strip against a bottle. See col. 3, lines 32-35 and col. 4, lines 37-42 of Wochner. Applicant wishes to stress that the heated platens (22, 28) in Wochner are not press platens which function, in combination with rollers (21 and 27) to urge, or press, a heat-transfer label into contact with an object, as suggested by the Examiner on page 7 of the Office action dated March 17, 2003. Rather, heated platens (22, 28) only serve to heat rollers (21, 27) and heat the heat-transfer label prior to transfer. As can be appreciated, the fact that applicant's claimed decorating unit comprises a heated contact plate with a flat contact surface to directly press a heat-transfer label onto an object enables the decorating unit to transfer the label onto the object through the application of heated contact over a long label transfer contact period which, in turn,

improves the overall quality of the label transfer, which is a principal object of the present invention. *See* page 23, lines 5-13 of the subject patent application.

With respect to claims 19 and 20, as a first point, applicant contends that claim 19 is in allowable form for being dependent upon claim 1, which applicant believes to be in allowable form for the reasons noted above, and that claim 20 is in allowable form for being dependent upon claim 12, which applicant believes to be in allowable form for the reasons noted above.

As a second point, applicant respectfully contends that claims 19 and 20 are in allowable form for the reasons noted above in conjunction with the rejection of claim 18. Specifically, applicant claims a decorating unit comprising, inter alia, a contact plate which includes a pivot point, said pivot point being located within said contact plate. To the contrary, the pressure pad (62) in Good does not include a pivot point which is located within the pressure pad (62). Rather, the pressure pad (62) in Good is fixedly supported (i.e., incapable of pivoting about a point located within the pressure pad) between plates (59 and 60). (*See* Figs. 7-11 and 13 and col. 4, lines 1-4 of Good). In fact, any movement of the pressure pad (62) in Good is accomplished by means of an independent shuttle arm (34) which is indirectly coupled to the pressure pad (62) through a pair of plates (59 and 60). As can be seen most clearly in Figs. 7-11 and 13 of Good, the pivot points (35 and 37) for the shuttle arm (34) are clearly located outside the pressure pad (62). As can be appreciated, providing a contact plate with a pivot point which is located within said contact plate allows for a significant increase in the period of label transfer contact without significantly increasing the mechanical complexity of the decorating unit, which is highly desirable.

Withdrawal of the rejection of claims 1, 12, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Good in view of Wochner is respectfully urged.

Claims 4, 5, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner as applied to claim 1 and 3 above, and further in view of U.S. Patent No. 6,402,868 to K. Tagawa et al. (hereinafter Tagawa) and U.S. Patent No. 5,650,028 to T.L. Brandt (hereinafter Brandt). In support of the rejection, the Examiner commented,

Neither Good, Jr. in view of Wochner teach having a rubber layer on the heated applicator, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a rubber layer, because it is well known that rubber helps to uniformly distribute the heat. This would help ensure the entire label is heated and the adhesive thereon are heated sufficiently. This is discussed in Tagawa. (Col. 4, lines 14-18).

Regarding claims 5 and 15, it is within the purview of one having ordinary skill in the art to use a rubber layer of 80 durometer silicone. The artisan would see the advantages of using that type of rubber. This is shown in Brandt et al. (Col. 9, lines 26-46.)

This rejection is respectfully traversed.

With respect to claim 4, as a first point, applicant contends that claim 4 is in allowable form for being dependent upon claim 1, which applicant believes is in allowable form for the reasons noted above.

As a second point, applicant respectfully disagrees with the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a rubber layer onto the flat contact surface of a heated contact plate based on Good in view of Wochner and further in view of Tagawa. In particular, applicant respectfully disagrees with the Examiner's rejection based on the comments that "it has been held that a prior art reference must ...be reasonably pertinent to the particular problem with which the applicant was

concerned, in order to be relied upon as a basis for rejection of the claimed invention...In this case, Tagawa discloses that rubber helps to uniformly distribute heat." Applicant respectfully contends that nowhere is it taught, disclosed or suggested in the subject patent application that rubber layer (121) of applicant's claimed contact plate (119) was provided to solve the particular problem of uniformly distributing heat throughout contact plate (119). To the contrary, applicant respectfully contends that the rubber layer (121) of applicant's claimed contact plate (119) was provided merely to increase the contact, or grab, between the contact plate (119) and the desired object during label transfer, a particular problem which is neither taught, disclosed nor suggested in Tagawa.

With respect to claims 5 and 15, applicant contends that claim 5 is in allowable form for being dependent upon claim 1, which applicant believes is in allowable form for the reasons noted above, and that claim 15 is in allowable form for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

Claims 6-11, 16, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. as applied to claim 5 above, and further in view of U.S. Patent No. 5,817,210 to M.W. Morin (hereinafter Morin). In support of the rejection, the Examiner commented,

Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. does not disclose have a TEFLON fiberglass covering.

Morin teaches using a TEFLON fabric sheet (107), comprised of a 6 mil Teflon, fiberglass fabric whose purpose is to substantially reduce the tendency of the rubber pad (106) to stick to a transfer sheet. (Col. 4, lines 20-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a Teflon sheet, as disclosed in Morin, in the device of Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al., because Morin teaches that such a sheet would reduce the tendency of the transfer

sheet from sticking to the rubber layer on the peeler bar. The Teflon sheet in Morin is .23 inches, however it is within the purview of one having ordinary skill in the art to use a thinner sheet, because the artisan would know what thickness of Teflon would work in the device of Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al.

Regarding claims 7 and 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the heat contact plate is capable of being heated to 450 degrees F, because it is within the purview of the artisan to know what temperature is needed to heat the adhesive on the label sufficiently to ensure the adhesive adheres to the article.

Regarding claims 8-11, these features are shown in the device of Good, Jr. as seen in Figure 1.

With regard to claims 6-11, applicant contends that claims 6-11 are in allowable form for being dependent upon claim 1, which applicant believes to be in allowable form for the reasons noted above.

With regard to claims 16 and 17, applicant contends that claims 16 and 17 are in allowable form for being dependent upon claim 12, which applicant believes is in allowable form for the reasons noted above.

Withdrawal of the rejection of claims 6-11, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Good, Jr. in view of Wochner, Tagawa et al., and Brandt et al. as applied to claim 5 above, and further in view of Morin is respectfully urged.

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,808 to B.C. Ewert et al. (hereinafter Ewert) in view of U.S. Patent No. 3,709,755 to F.J. Wochner (hereinafter Wochner). In support of the rejection, the Examiner commented,

Ewert et al. discloses a label tamp for applying a label to an object. The contact surface extends almost the entire length of the label tamp.

The platen in Ewert et al. is not heated and a conveyor is not disclosed.

Wochner discloses a labeling system where press platens (22, 28) are heated. (Col. 3, lines 42-65.) The containers are conveyed to the labeling stations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Wochner, in the device of Ewert et al. specifically when using heat transferable labels. Artisans with knowledge of labeling realize that there are many types of labels which can be used in labeling containers, labels with pressure sensitive adhesive and heat sensitive adhesive, are two of the most widely used types. If an artisan decided to use the device in Ewert et al. with heat transfer labels, it is with the purview of the artisan to heat the transfer platen in Ewert et al. as taught by Wochner. Furthermore, conveyors are commonly used to put articles in the position to be labeled.

This rejection is respectfully traversed.

Applicant claims a decorating unit for applying a label onto an object, the decorating unit comprising, inter alia, a heated contact plate which includes a contact surface extending nearly its entire length, the heated contact plate being adapted to pivot during label transfer so that the contact surface of the heated contact plate continuously urges the heat-transfer label into contact with the object. As will be described further in detail below, taking Ewert in view of Wochner does not render applicant's claimed invention unpatentable.

Specifically, applicant claims a decorating unit comprising, inter alia, a heated contact plate which includes a contact surface extending nearly its entire length. Ewert et al. discloses a label tamp (10) which includes a tamp head (30) in the form of a generally rectangular plate. *See* col. 7, lines 33-39 of Ewert. However, as noted by the Examiner on page 6 of the Office action dated March 17, 2003, the tamp head (30) disclosed in Ewert is not heated.

Wochner discloses a labeling station (20) which includes a roller (21) carried by a heated platen (22) for pressing a label bearing strip against a bottle. *See* col. 3, lines 32-35 of Wochner. The Examiner contends in the Office action dated March 17, 2003, "Wochner discloses a labeling system where press platens (22, 28) are heated." As noted above in connection with rejection of

claims 1, 12, 19 and 20, applicant respectfully disagrees with the Examiner's contention that Wochner discloses a labeling system where press platens are heated. To the contrary, applicant respectfully contends that the heated platens (22, 28) in Wochner are not press platens which serve to urge, or press, a heat-transfer label into contact with an object. Rather, it is the solely the function of the rubber rollers (21, 27) in Wochner, and not heated platens (22, 28), to press the heat-transfer label into contact with the object. See col. 3, lines 33-34 and col. 4, lines 37-42 of Wochner. Because heated platens (22, 28) in Wochner do not serve to directly press a heat-transfer label into contact with an object, applicant respectfully disagrees with the Examiner's suggestion that it would have been obvious to one having ordinary skill in the art at the time the invention was made "to use a heated plate, like the one disclosed in Wochner, in the device of Ewert."

Withdrawal of the rejection of claim 22 under 35 U.S.C. 103(a) as being unpatentable over Ewert et al. in view of Wochner is respectfully urged.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 9-17-03.

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